

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<p>ALFRED DEL RIO A/K/A ALFREDO DEL RIO and OLIVIA DEL RIO,</p> <p>Plaintiff,</p> <p>v.</p> <p>McCABE, WEISBERG &amp; CONWAY, LLC; NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING; and THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT INC., ALTERNATIVE LOAN TRUST 2007-11T1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-11T1,</p> <p>Defendants.</p>	<p>Case No. 1:19-CV-10312-VSB</p>
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**NOTICE OF DEFENDANTS SHELLPOINT'S AND  
BONYM'S MOTION TO DISMISS AMENDED  
COMPLAINT AND STRIKE CLASS ALLEGATIONS**

**PLEASE TAKE NOTICE** that, upon the accompanying Declaration of Jordan M. Smith, dated February 18, 2020, and all of the exhibits attached thereto; and upon the accompanying Memorandum of Law, defendant NewRez LLC dba Shellpoint Mortgage Servicing (**Shellpoint**) and The Bank of New York Mellon F/K/A The Bank of New York, as Trustee for the Certificateholders of CWALT Inc., Alternative Loan Trust 2007-11T1, Mortgage Pass-Through Certificates, Series 2007-11T1 (**BoNYM**) will move this Court before the Honorable Vernon S. Broderick, United States District Judge, Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 518, New York, NY 10007, at such time designated by the Court, for an order dismissing plaintiffs Alfred Del Rio aka Alfredo Del Rio and Olivia Del Rio's amended complaint with prejudice pursuant to Rule 12 as well as to strike

plaintiffs' class allegations pursuant to Rules 12 and 23, and all other reasons set forth in the memorandum of law.

**PLEASE TAKE FURTHER NOTICE** that opposition papers, if any, must be served and filed on or before March 3, 2020, whereupon movant may serve and file reply papers on or before March 27, 2020.

Dated: February 18, 2020  
New York, New York

**AKERMAN LLP**

By: /s/ Jordan M. Smith  
Jordan M. Smith (jordan.smith@akerman.com)  
Jason St. John (jason.stjohn@akerman.com)  
666 Fifth Avenue, 20th Floor  
New York, NY 10103  
(212) 880-3800

*Attorneys for Defendants NewRez LLC dba  
Shellpoint Mortgage Servicing and The Bank of  
New York Mellon F/K/A The Bank of New York, as  
Trustee for the Certificateholders of CWALT Inc.,  
Alternative Loan Trust 2007-11T1, Mortgage  
Pass-Through Certificates, Series 2007-11T1*

To: Alex Kadochnikov, Esq. (by ECF)  
*Attorney for Plaintiffs*

Candidus K. Dougherty, Esq. (by ECF)  
*Attorney for Defendant McCabe, Weisberg  
& Conway, P.C.*